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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/821,326	04/09/2004	Robert M. Leach	11474.0NEW

26712
 HODGSON RUSS LLP
 ONE M & T PLAZA
 SUITE 2000
 BUFFALO, NY 14203-2391



CONFIRMATION NO. 9700
FORMALITIES LETTER
OC000000013061496
OC000000013061496

Date Mailed: 06/24/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**FILED UNDER 37 CFR 1.53(b)***Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) all except 1a.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

06/26/2004 EFLURES 00000133 10821326

01 FC:1051

130.00 0P

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

(Dw)

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE



I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 24, 2004

Susan L. Eick
Name
Susan L. Eick
Signature
August 24, 2004
Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Leach et al.

Serial No.: 10/821,326

Filed: April 9, 2004

For: Micronized Wood Preservative Formulations

RESPONSE

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice to File Missing Parts of Non-provisional Application mailed June 24, 2004 (copy enclosed), herewith is the executed Declaration and the \$130.00 filing fee.

Also enclosed herewith are replacement drawings in response to the aforementioned Notice to File Missing Parts.

If any underpayment or overpayment has been made, please charge to Deposit Account No. 08-2442.

Respectfully submitted,

HODGSON RUSS LLP

By Ranjana Kadle
Ranjana Kadle, Reg. No. 40,041

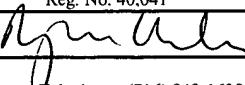
One M&T Plaza, Suite 2000
Buffalo, New York 14203
Tel: (716) 848-1628
Dated: August 24, 2004
BFLODOCS: 953595 v1 (KFSR01!.DOC)

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent Fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT	(\$) 130.00		Attorney Docket Number	11474.0328
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METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)									
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: <u>08-2442</u> Deposit Account Name: <u>Hodgson Russ LLP</u>		3. ADDITIONAL FEES									
The Director is hereby authorized to (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Charge any fee deficiencies or credit any overpayments <input type="checkbox"/> Charge any additional fees during pendency of this application. <input type="checkbox"/> Charge fees indicated below, except for the filing fee to the above-identified deposit account		Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid						
		1051	130	2051	65	Surcharge - late filing fee or oath	\$130				
		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	\$				
		1053	130	1053	130	Non-English specification	\$				
FEE CALCULATION		1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	\$				
1. BASIC FILING FEE <u>Large Entity</u> <u>Small Entity</u> Fee Code (\$) Fee Code (\$) Fee Description Fee Paid		1804	920*	1804	920*	Requesting Publication of SIR prior to Examiner Action	\$				
		1805	1,840*	1805	1,840*	Requesting Publication of SIR after Examiner Action	\$				
1001	770	2001	385	Utility filing fee	\$ 1251	110 2251	55 Extension for reply within first month	\$			
1002	340	2002	170	Design filing fee	\$ 1252	420 2252	210 Extension for reply within second month	\$			
1003	530	2003	265	Plant filing fee	\$ 1253	950 2253	475 Extension for reply within third month	\$			
1004	770	2004	385	Reissue filing fee	\$ 1254	1,480 2254	740 Extension for reply within fourth month	\$			
1005	160	2005	80	Provisional filing fee	\$ 1255	2,010 2255	1,005 Extension for reply within fifth month	\$			
SUBTOTAL (1)		\$ 0	1401	330	2401	165	Notice of Appeal	\$			
2. EXTRA CLAIM FEES FOR UTILITY/ REISSUE <u>Extra</u> <u>Fee from</u> <u>Claims</u> <u>below</u> Total Claims / / -20** = / / x / / =		<u>Fee Paid</u> 1402	330	2402	165	Filing a brief in support of an appeal	\$ 1403				
		<u>Fee Paid</u> 1403	290	2403	145	Request for oral hearing	\$ 1451				
Independent Claims / / - 3** = / / x / / =		<u>Fee Paid</u> 1451	1,510	1451	1,510	Petition to institute a public use proceeding	\$ 1452				
Multiple dependent / / x / / =		<u>Fee Paid</u> 1452	110	2452	55	Petition to revive - unavoidable	\$ 1453				
<u>Large Entity</u> <u>Small Entity</u> Fee Code (\$) Fee Code (\$) Fee Description		1453	1,330	2453	665	Petition to revive - unintentional	\$ 1501				
		<u>Fee Paid</u> 1501	1,330	2501	665	10 advance copies Utility issue fee (or reissue)	\$ 1502				
1202		18	2202	9	Claims in excess of 20	1502	480	2502	240	Design issue fee	\$
1201		86	2201	43	Independent claims in excess of 3	1503	640	2503	320	Plant issue fee	\$
1203		290	2203	145	Multiple dependent claim if not paid	1460	130	1460	130	Petitions to the Commissioner	\$
1204		86	2204	43	**Reissue independent claims over original patent	1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	\$
1205		18	2205	9	**Reissue claims in excess of 20 and over original patent	1806	180	1806	180	Submission of Information Disclosure Statement	\$
SUBTOTAL (2)		\$ 0	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	\$			
SUBMITTED BY: Ranjana Kadle Reg. No. 40,041		1809	770	2809	385	Filing a submission after final rejection(37 CFR 1.129(a))	\$				
SIGNATURE 		1810	770	2810	385	For each add'l invention to be examined(37 CFR 1.129(b))	\$				
DATE: August 24, 2004 Telephone: (716) 848-1628		1801	770	2801	385	Request For Continued Examination (RCE)	\$				
		1802	900	1802	900	Request for Expedited Examination of a design application	\$				
		Other fee (specify)				\$					
		SUBTOTAL (3)				\$ 130					

